

Application No. 10/524,611
Amendment Dated September 17, 2008
Reply to Office Action of March 17, 2008

REMARKS

The Office Action mailed March 17, 2008 has been carefully considered by Applicant. Reconsideration is respectfully requested in view of the foregoing newly submitted claims and the remarks that follow.

Claim Rejections

Claims 5-16 and 22-27 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Kobayashi U.S. Patent No. 5,269,518. Claims 5-16 and 22-27 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Getts U.S. Patent No. 5,460,378 in view of Hannon U.S. Patent No. 5,554,078 or Bloom U.S. Patent No. 6,506,128.

The claims that were previously pending in this application have been cancelled and new claims 28-33 added. Claims 28-33 are believed allowable over the cited references for the following reasons.

Claim 28

Claim 28 recites a golf putter having a head, a grip and shaft. Notably, the shaft consists of an elongated member having a unitary construction. The member has a first end coupled to the head and a second end coupled to the grip. The weight of the shaft is uniformly distributed along its length between the first and second ends. The moment of mass inertia of the head constitutes less than 79% of the combined mass of the inertia of the head and the shaft when the head, shaft and grip are pivoted about a pivot access that is generally perpendicular to the longitudinal axis of the shaft and that is situated about 120 cm from the longitudinal axis of the head.

The prior art fails to teach or suggest the recited golf putter having the shaft, as defined in claim 28. Briefly, each of the cited references teaches the use of a standard putter shaft having standard weight and length. None of the references teach or suggest the new shaft claimed in the combination of claim 28.

Kobayashi et al '518 fails to teach or suggest the claimed structure. Kobayashi et al '518 merely teaches the known concept of adding grip weights and head weights to a standard putter to modify swing characteristics thereof. This is directly contrary to the

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presently claimed golf putter, wherein the shaft itself is modified to achieve the recited moment of mass inertia.

Contrary to the Examiner's conclusions, the grip is not an integral part of the shaft. Claim 28 clearly makes this distinction by reciting separate elements, namely the head, grip and shaft. Claim 28 also indicates that the shaft consists of an elongated member having a unitary construction. The claimed grip is thus not a part of the claimed shaft, according to ordinary claim interpretation.

The Examiner further indicates that Kobayashi et al '518 teaches a shaft having a mass that is evenly graduated along the length of the shaft. Kobayashi et al '518 teaches the addition of weights which cause the overall mass to not be evenly graduated along the length of the shaft. This is contrary to the recitation of claim 28.

Kobayashi et al '518 further does not teach or suggest the claimed shaft, which achieves the claimed moment of mass inertia. The Examiner seems to simply dismiss these values, stating that there is no "criticality" associated with the values. This is incorrect. The Applicant has found that the particularly claimed moment of mass inertia, which is achieved by the particularly claimed structure achieves significant advantages over prior art. The recited structure and values are not taught by Kobayashi et al '518, and the advantages achieved by the particularly claimed structure and values are also not taught by Kobayashi et al '518. The Examiner's cursory dismissal of claimed subject matter and application of Kobayashi et al '518 does not support a *prima facie* case of obviousness.

Getts '378, Hannon '078 and Bloom '128 also fail to teach or suggest the structural combination recited in claim 18. Getts '378 merely teaches use of a golf club counterweight on a standard putter shaft, which as indicated above is directly contrary to the shaft of claim 28.

Hannon et al '078 teaches the addition of weights inside of a standard putter shaft. Again, this is directly contrary to the presently claimed invention wherein the shaft itself constitutes the weight that obtains the claimed moment of inertia.

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Bloom '128 also fails to teach or suggest the claimed shaft. Column 5, lines 49-50 teach directly against the claimed shaft. ("The shaft is of a standard length and weight.")

The fact of the matter is that the Examiner has not found any reference that actually teaches the structure recited in claim 28. None of the references teach or suggest a shaft that itself is heavy enough to achieve the claimed moment of mass inertia. This is because the claimed combination is unique and not obvious in view of the prior art.

Claims 29-33

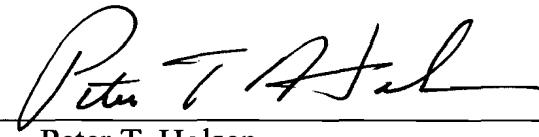
Claims 29-33 depend from claim 28 and are therefore believed allowable over the cited references for the reasons stated above, as well as the detailed subject matter recited therein.

Conclusion

The present application is thus believed in condition for allowance. Such action is respectfully requested.

Respectfully submitted,

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